HIGH COURT OF UTTARANCHAL AT NAINIAL

Writ Petition No. 1556(S/S) of 2005

Radhey Shyam Gupta S/o late Sri Ram Narayan Gupta,
R/o village & Post Office Tarighat,
District Gazipur, U.P.
At present resident at Suraj Kund,
Bageshwar, Distt. Bageshwar. ---------Petitioner.

Vs.

1. Managing Director, Uttaranchal Payjal Nigam, Dehradun,
2. Chief Engineer (Kumoun),
   Uttaranchal Payjal Nigam, Nainital,
3. Executive Engineer, Construction Division,
   Uttaranchal Payjal Nigam,
   Bageshwar, Distt. Bageshwar,
4. U.P. Jal Nigam, through its Managing Director,
   6 Rana Pratap Marg, Lucknow. --------Respondents

Sri B.D. Upadhyay, learned counsel for the petitioner.
Sri D.S. Patni, learned counsel for respondent nos. 1 to 3.
Sri Sudhir Singh, learned counsel for respondent no. 4.

Hon'ble M.M. Ghildiyal, J.

Sri B.D. Upadhyay, learned counsel for the petitioner sought permission to implead U.P. Jal Nigam. Permission granted. Let the U.P. Jal Nigam be impleaded as respondent no. 4 during the course of the day.

Heard Sri B.D. Upadhyay, learned counsel for the petitioner, Sri D.S. Patni, learned counsel for the Uttaranchal Paijal Nigam and Sri Sudhir Singh Adv. who has put in appearance for respondent no.4.

The petitioner, who is Junior Engineer in the Uttaranchal Paijal Nigam, has challenged the order dated 30.09.2005 passed by the Managing Director, Uttaranchal Paijal Nigam by which the petitioner has been transferred for U.P. Jal Nigam.

Submission of the petitioner is that the petitioner was serving in the hill district of the then erstwhile State of U.P. since 1987. Even after creation of State of Uttaranchal he is

continuously working in the hill area. Petitioner's children are also studying in the State of Uttaranchal and in case, he is compelled to join in the State of U.P. in pursuance of the order dated 30.09.2005, in the mid session, he will have to face a lot of difficulties and his whole family will be disturbed. The petitioner is also holding the charge of Store at Bageshwar.

Learned counsel for the respondents have submitted that the petitioner has already been relieved for U.P. Jal Nigam and he has not opted for Hill Sub Cadre. In the order, by which the petitioner has been relieved for State of U.P., it has been mentioned that no representation shall be entertained.

In the circumstances, without entering into the merits of the case in the interest of justice, I think it just and proper to permit the petitioner to make representation raising all his grievances before the Managing Director, Uttaranchal Paijal Nigam, Dehradun within a period of two weeks from today and the Managing Director shall take decision on the representation within a period of three weeks from the date of receipt of the representation from the petitioner. Till the decision is taken by the respondent on the representation, the petitioner shall not be relieved for U.P. Paijal Nigam, if he has yet not been relieved.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

October 21, 2005:
NCM: